

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Public Integrity & Ethics
2 Committee

3 Representative Metz offered the following:

4

5 **Amendment**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (5) of section 99.061, Florida
8 Statutes, is amended to read:

9 99.061 Method of qualifying for nomination or election to
10 federal, state, county, or district office.—

11 (5) At the time of qualifying for office, each candidate
12 for the governing body of a municipality that had \$5 million or
13 more in total revenue as determined by the annual financial
14 report submitted to Department of Financial Services in
15 accordance with s. 218.32 for the fiscal year ending prior to
16 the year the disclosure covers or a constitutional office shall

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17 file a full and public disclosure of financial interests
18 pursuant to s. 8, Art. II of the State Constitution, which must
19 be verified under oath or affirmation pursuant to s.
20 92.525(1) (a), and a candidate for any other office, ~~including~~
21 ~~local elective office~~, shall file a statement of financial
22 interests pursuant to s. 112.3145.

23 Section 2. Subsection (7) of section 112.313, Florida
24 Statutes, is amended to read:

25 112.313 Standards of conduct for public officers,
26 employees of agencies, and local government attorneys.—

27 (7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

28 (a) A ~~No~~ public officer or employee of an agency may not
29 ~~shall~~ have or hold any employment or contractual relationship
30 with any business entity or any agency that ~~which~~ is subject to
31 the regulation of, or is doing business with, an agency of which
32 he or she is an officer or employee, excluding those
33 organizations and their officers who, when acting in their
34 official capacity, enter into or negotiate a collective
35 bargaining contract with the state or any municipality, county,
36 or other political subdivision of the state; and ~~nor shall~~ an
37 officer or employee of an agency may not have or hold any
38 employment or contractual relationship that will create a
39 continuing or frequently recurring conflict between his or her
40 private interests and the performance of his or her public
41 duties or that would impede the full and faithful discharge of

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42 his or her public duties. For purposes of this subsection, if a
43 public officer or employee of an agency holds a material
44 interest in a business entity other than a publicly traded
45 entity, or is an officer, a director, or a member who manages
46 such an entity, contractual relationships held by the business
47 entity are deemed to be held by the public officer or employee.

48 1. When the agency referred to is a ~~that certain kind of~~
49 special tax district created by general or special law and is
50 limited specifically to constructing, maintaining, managing, and
51 financing improvements in the land area over which the agency
52 has jurisdiction, or when the agency has been organized pursuant
53 to chapter 298, ~~then~~ employment with, or entering into a
54 contractual relationship with, such a business entity by a
55 public officer or employee of such an agency is ~~shall~~ not be
56 prohibited by this subsection or ~~be~~ deemed a conflict per se.
57 However, conduct by such officer or employee that is prohibited
58 by, or otherwise frustrates the intent of, this section must
59 ~~shall~~ be deemed a conflict of interest in violation of the
60 standards of conduct set forth by this section.

61 2. When the agency referred to is a legislative body and
62 the regulatory power over the business entity resides in another
63 agency, or when the regulatory power that ~~which~~ the legislative
64 body exercises over the business entity or agency is strictly
65 through the enactment of laws or ordinances, ~~then~~ employment or
66 a contractual relationship with such a business entity by a

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67 public officer or employee of a legislative body ~~is shall~~ not ~~be~~
68 prohibited by this subsection or ~~be~~ deemed a conflict.

69 (b) This subsection does ~~shall~~ not prohibit a public
70 officer or employee from practicing in a particular profession
71 or occupation when such practice by persons holding such public
72 office or employment is required or permitted by law or
73 ordinance.

74 Section 3. Subsection (2) of section 112.3142, Florida
75 Statutes, is amended to read:

76 112.3142 Ethics training for specified constitutional
77 officers and elected municipal officers.-

78 (2)(a) All constitutional officers must complete 4 hours
79 of ethics training each calendar year which addresses, at a
80 minimum, s. 8, Art. II of the State Constitution, the Code of
81 Ethics for Public Officers and Employees, and the public records
82 and public meetings laws of this state. ~~This requirement may be~~
83 ~~satisfied by completion of a continuing legal education class or~~
84 ~~other continuing professional education class, seminar, or~~
85 ~~presentation if the required subjects are covered.~~

86 (b) ~~Beginning January 1, 2015,~~ All elected municipal
87 officers must complete 4 hours of ethics training each calendar
88 year which addresses, at a minimum, s. 8, Art. II of the State
89 Constitution, the Code of Ethics for Public Officers and
90 Employees, and the public records and public meetings laws of
91 this state. ~~This requirement may be satisfied by completion of a~~

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92 ~~continuing legal education class or other continuing~~
93 ~~professional education class, seminar, or presentation if the~~
94 ~~required subjects are covered.~~

95 (c) Beginning January 1, 2018, all members of the governing
96 board of a special district or water management district must
97 complete 4 hours of ethics training each calendar year which
98 addresses, at a minimum, s. 8, Art. II of the State
99 Constitution, the Code of Ethics for Public Officers and
100 Employees, and the public records and public meetings laws of
101 this state.

102 (d) The requirements specified in paragraphs (a), (b), and
103 (c) may be satisfied by completion of a continuing legal
104 education class or other continuing professional education
105 class, seminar, or presentation if the required subjects are
106 covered.

107 ~~(e) The commission shall adopt rules establishing minimum~~
108 ~~Course content for the portion of an ethics training class which~~
109 ~~addresses s. 8, Art. II of the State Constitution and the Code~~
110 ~~of Ethics for Public Officers and Employees must include one or~~
111 ~~more of the following:~~

- 112 1. Doing business with one's own agency;
- 113 2. Conflicting employment or contractual relationships;
- 114 3. Misuse of position;
- 115 4. Disclosure or use of certain information;

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- 116 5. Gifts and honoraria, including solicitation and
117 acceptance of gifts, and unauthorized compensation;
118 6. Post-officeholding restrictions;
119 7. Restrictions on the employment of relatives;
120 8. Voting conflicts when the officer is a member of a
121 collegial body and votes in his or her official capacity;
122 9. Financial disclosure requirements, including the
123 automatic fine and appeal process;
124 10. Commission procedures on ethics complaints and
125 referrals; and
126 11. The importance of and process for obtaining advisory
127 opinions rendered by the commission.

128 ~~(d)~~ (f) Training providers are encouraged to seek
129 accreditation from any applicable licensing body for courses
130 offered pursuant to this section.

131 (g) The Legislature intends that a constitutional officer,
132 ~~or~~ elected municipal officer, or member of the governing board
133 of a special district, who is required to complete ethics
134 training pursuant to this section receive the required training
135 as close as possible to the date that he or she assumes office.
136 A constitutional officer, ~~or~~ elected municipal officer, or
137 member of the governing board of a special district, assuming a
138 new office or new term of office on or before March 31 must
139 complete the annual training on or before December 31 of the
140 year in which the term of office began. A constitutional

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141 officer, ~~or~~ elected municipal officer, or member of the
142 governing board of a special district, assuming a new office or
143 new term of office after March 31 is not required to complete
144 ethics training for the calendar year in which the term of
145 office began.

146 Section 4. Subsections (2), (3) and (4) of section
147 112.3143, Florida Statutes, are amended to read:

148 112.3143 Voting conflicts.—

149 (2) (a) A state public officer may not vote on any matter
150 that the officer knows would inure to his or her special private
151 gain or loss. Any state public officer who abstains from voting
152 in an official capacity upon any measure that the officer knows
153 would inure to the officer's special private gain or loss, or
154 who votes in an official capacity on a measure that he or she
155 knows would inure to the special private gain or loss of any
156 principal by whom the officer is retained or to the parent
157 organization or subsidiary of a corporate principal by which the
158 officer is retained other than an agency as defined in s.
159 112.312(2); or which the officer knows would inure to the
160 special private gain or loss of a relative or business associate
161 of the public officer, shall make every reasonable effort to
162 disclose the nature of his or her interest as a public record in
163 a memorandum filed with the person responsible for recording the
164 minutes of the meeting, who shall incorporate the memorandum in
165 the minutes. If it is not possible for the state public officer

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166 to file a memorandum before the vote, the memorandum must be
167 filed with the person responsible for recording the minutes of
168 the meeting no later than 15 days after the vote.

169 (b) A member of the Legislature may satisfy the disclosure
170 requirements of this section by filing a disclosure form created
171 pursuant to the rules of the member's respective house if the
172 member discloses the information required by this subsection.

173 (3) (a) No county, municipal, ~~or~~ other local public
174 officer, governing board member of a special district or school
175 district may shall vote in an official capacity upon any measure
176 which would inure to his or her special private gain or loss;
177 which he or she knows would inure to the special private gain or
178 loss of any principal by whom he or she is retained or to the
179 parent organization or subsidiary of a corporate principal by
180 which he or she is retained, other than an agency as defined in
181 s. 112.312(2); or which he or she knows would inure to the
182 special private gain or loss of a relative or business associate
183 of the public officer. Such public officer shall, prior to the
184 vote being taken, publicly state to the assembly the nature of
185 the officer's interest in the matter from which he or she is
186 abstaining from voting and, within 15 days after the vote
187 occurs, disclose the nature of his or her interest as a public
188 record in a memorandum filed with the person responsible for
189 recording the minutes of the meeting, who shall incorporate the
190 memorandum in the minutes.

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191 (b) However, a commissioner of a community redevelopment
192 agency created or designated pursuant to s. 163.356 or s.
193 163.357, or an officer of an independent special tax district
194 elected on a one-acre, one-vote basis, is not prohibited from
195 voting, when voting in said capacity.

196 (4) No county, municipal, other local public officer,
197 governing board member of a special district or school district,
198 or appointed public officer, shall participate in any matter
199 which would inure to the officer's special private gain or loss;
200 which the officer knows would inure to the special private gain
201 or loss of any principal by whom he or she is retained or to the
202 parent organization or subsidiary of a corporate principal by
203 which he or she is retained; or which he or she knows would
204 inure to the special private gain or loss of a relative or
205 business associate of the public officer, without first
206 disclosing the nature of his or her interest in the matter.

207 (a) Such disclosure, indicating the nature of the
208 conflict, shall be made in a written memorandum filed with the
209 person responsible for recording the minutes of the meeting,
210 prior to the meeting in which consideration of the matter will
211 take place, and shall be incorporated into the minutes. Any such
212 memorandum shall become a public record upon filing, shall
213 immediately be provided to the other members of the agency, and
214 shall be read publicly at the next meeting held subsequent to
215 the filing of this written memorandum.

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216 (b) In the event that disclosure has not been made prior
217 to the meeting or that any conflict is unknown prior to the
218 meeting, the disclosure shall be made orally at the meeting when
219 it becomes known that a conflict exists. A written memorandum
220 disclosing the nature of the conflict shall then be filed within
221 15 days after the oral disclosure with the person responsible
222 for recording the minutes of the meeting and shall be
223 incorporated into the minutes of the meeting at which the oral
224 disclosure was made. Any such memorandum shall become a public
225 record upon filing, shall immediately be provided to the other
226 members of the agency, and shall be read publicly at the next
227 meeting held subsequent to the filing of this written
228 memorandum.

229 (c) For purposes of this subsection, the term
230 "participate" means any attempt to influence the decision by
231 oral or written communication, whether made by the officer or at
232 the officer's direction.

233 Section 5. Subsections (1), (2) and (8) of section
234 112.3144, Florida Statutes, are amended to read:

235 112.3144 Full and public disclosure of financial
236 interests.-

237 (1) In addition to officers specified in s. 8, Art. II of
238 the State Constitution or other state law, every member of the
239 governing board of a municipality that had \$5 million or more in
240 total revenue as determined by the annual financial report

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241 submitted to the Department of Financial Services in accordance
242 with s. 218.32, for the fiscal year ending prior to the year the
243 disclosure covers, is required to file a full and public
244 disclosure of financial interests. An officer who is required ~~by~~
245 ~~s. 8, Art. II of the State Constitution~~ to file a full and
246 public disclosure of ~~his or her~~ financial interests for any
247 calendar or fiscal year shall file that disclosure with the
248 ~~Florida Commission on Ethics. Additionally, beginning January 1,~~
249 ~~2015,~~ An officer who is required to complete annual ethics
250 training pursuant to s. 112.3142 must certify on his or her full
251 and public disclosure of financial interests that he or she has
252 completed the required training. Additionally, beginning January
253 1, 2018, an individual who is required to complete annual ethics
254 training pursuant to s. 112.3142, must provide the name of the
255 training provider on the full and public disclosure of financial
256 interests.

257 (2) A person who is required, ~~pursuant to s. 8, Art. II of~~
258 ~~the State Constitution,~~ to file a full and public disclosure of
259 financial interests and who has filed a full and public
260 disclosure of financial interests for any calendar or fiscal
261 year ~~is shall~~ not ~~be~~ required to file a statement of financial
262 interests pursuant to s. 112.3145(2) and (3) for the same year
263 or for any part thereof notwithstanding any requirement of this
264 part. If an incumbent in an elective office has filed the full
265 and public disclosure of financial interests to qualify for

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266 election to the same office or if a candidate for office holds
267 another office subject to the annual filing requirement, the
268 qualifying officer shall forward an electronic copy of the full
269 and public disclosure of financial interests to the commission
270 no later than July 1. The electronic copy of the full and public
271 disclosure of financial interests satisfies the annual
272 disclosure requirement of this section. A candidate who does not
273 qualify until after the annual full and public disclosure of
274 financial interests has been filed pursuant to this section
275 shall file a copy of his or her disclosure with the officer
276 before whom he or she qualifies.

277 (8)

278 (c) For purposes of this section, an error or omission is
279 immaterial, inconsequential, or de minimis if the original
280 filing provided sufficient information for the public to
281 identify potential conflicts of interest. However, failure to
282 certify completion of annual ethics training required under s.
283 112.3142, or provide the name of the training provider does not
284 constitute an immaterial, inconsequential, or de minimis error
285 or omission.

286 Section 6. Subsection (4) and paragraph (c) of subsection
287 (10) of section 112.3145, Florida Statutes, is amended to read:

288 112.3145 Disclosure of financial interests and clients
289 represented before agencies.—

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290 (4) Beginning January 1, 2015, an officer who is required
291 to complete annual ethics training pursuant to s. 112.3142 must
292 certify on his or her statement of financial interests that he
293 or she has completed the required training. Additionally,
294 beginning January 1, 2018, an individual who is required to
295 complete annual ethics training pursuant to s. 112.3142, must
296 provide the name of the training provider on his or her
297 statement of financial interests.

298 (10)

299 (c) For purposes of this section, an error or omission is
300 immaterial, inconsequential, or de minimis if the original
301 filing provided sufficient information for the public to
302 identify potential conflicts of interest. However, failure to
303 certify completion of annual ethics training required under s.
304 112.3142, or provide the name of the training provider does not
305 constitute an immaterial, inconsequential, or de minimis error
306 or omission.

307 Section 7. The amendments made to ss. 112.3144 and
308 112.3145, Florida Statutes, by this act apply to disclosures
309 filed for the 2017 calendar year and all subsequent calendar
310 years.

311 Section 8. Subsection (1) of section 112.31455, Florida
312 Statutes, is amended to read:

313 112.31455 Collection methods for unpaid automatic fines
314 for failure to timely file disclosure of financial interests.-

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315 (1) Before referring any unpaid fine accrued pursuant to
316 s. 112.3144(5) or s. 112.3145(7) to the Department of Financial
317 Services, the commission shall attempt to determine whether the
318 individual owing such a fine is a current public officer or
319 current public employee. If so, the commission may notify the
320 Chief Financial Officer or the governing body of the appropriate
321 county, municipality, school district, or special district of
322 the total amount of any fine owed to the commission by such
323 individual.

324 (a) After receipt and verification of the notice from the
325 commission, the Chief Financial Officer or the governing body of
326 the county, municipality, school district, or special district
327 shall begin withholding the lesser of 10 percent or the maximum
328 amount allowed under federal law from any salary-related
329 payment. The withheld payments shall be remitted to the
330 commission until the fine is satisfied.

331 (b) The Chief Financial Officer or the governing body of
332 the county, municipality, school district, or special district
333 may retain an amount of each withheld payment, as provided in s.
334 77.0305, to cover the administrative costs incurred under this
335 section.

336 Section 9. Effective October 1, 2018, Section 112.3261,
337 Florida Statutes, is repealed.

338 Section 10. Section 112.32612, Florida Statutes, is
339 created to read:

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340 112.32612 Lobbying before governmental entities.—

341 (1) As used in this section, the term:

342 (a) "Governmental entity" or "entity" means a water
343 management district created in s. 373.069 and operating under
344 the authority of chapter 373, a hospital district, a children's
345 services district, an expressway authority as the term
346 "authority" is defined in s. 348.0002, a port authority as
347 defined in s. 315.02, a county, municipality, school district,
348 or special district.

349 (b) "Lobby" or "Lobbies" means seeking, on behalf of
350 another person, to influence a governmental entity with respect
351 to a decision of the entity in an area of policy or procurement
352 or an attempt to obtain the goodwill of an official or employee
353 of a governmental entity. The term does not include making
354 application for or seeking approval of an application for a
355 license, permit, or waiver of a regulation so long as the
356 issuance or granting of such application does not require
357 legislative discretion.

358 (c) "Lobbyist" means a person who is employed and
359 receives payment, or who contracts for economic consideration,
360 for the purpose of lobbying, or a person who is principally
361 employed for governmental affairs by another person or
362 governmental entity to lobby on behalf of that other person or
363 governmental entity. "Lobbyist" does not include a person who:

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364 1. Represents a client in a judicial proceeding or in a
365 formal administrative proceeding before a governmental entity.

366 2. Is an employee of an agency or of a legislative or
367 judicial branch entity acting in the normal course of his or her
368 duties.

369 3. Is a confidential informant who is providing, or wishes
370 to provide, confidential information to be used for law
371 enforcement purposes.

372 4. Lobbies to procure a contract which is less than \$20,000
373 or a contract procured pursuant s. 287.056.

374 (d) "Principal" has the same meaning as provided in s.
375 112.3215.

376 (2) Beginning October 1, 2018, a person may not lobby a
377 governmental entity until such person has electronically
378 registered as a lobbyist with the commission in the local
379 government lobbyist registration system. Such registration shall
380 be due upon initially being retained to lobby and is renewable
381 on a calendar-year basis thereafter. Upon registration, the
382 person shall provide a statement signed by the principal or
383 principal's representative stating that the registrant is
384 authorized to represent the principal. The principal shall also
385 identify and designate its main business on the statement
386 authorizing that lobbyist pursuant to a classification system
387 approved by the commission. Any changes to the information
388 required by this section must be disclosed within 15 days by

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389 filing a new registration form. Each person required to register
390 as a lobbyist under this section must register through the
391 electronic system and must disclose the following:

392 (a) The lobbyist's name, email address, and business
393 address.

394 (b) The name and business address of each principal
395 represented.

396 (c) For each principal, each governmental entity the
397 person intends to lobby on behalf of the principal.

398 (d) The existence of any direct or indirect business
399 association, partnership, or financial relationship with an
400 official or employee of a governmental entity with which he or
401 she lobbies or intends to lobby.

402 (3) The annual lobbyist registration fee shall be set by
403 the commission by rule, not to exceed \$40 for each principal
404 represented.

405 (4) The commission shall make lobbyist registrations
406 available to the public on the Internet.

407 (5) A lobbyist shall promptly send a written statement to
408 the commission canceling the registration for a principal upon
409 termination of the lobbyist's representation of that principal.

410 The commission may cancel a lobbyist's registration for a
411 principal if the principal notifies the commission that a person
412 is no longer authorized to represent that principal.

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413 (6) Each governmental entity shall be diligent to
414 ascertain whether persons required to register pursuant to this
415 section have complied. A governmental entity may not knowingly
416 authorize a lobbyist who is not registered pursuant to this
417 section to lobby the entity.

418 (7) (a) Upon a first complaint against any person, or upon
419 any complaint against any person received prior to January 1,
420 2020, the commission shall, within 30 days of receipt of the
421 complaint, issue a warning letter directing the person to the
422 obligations of lobbyists pursuant to this section and dismiss
423 the complaint.

424 (b) Notwithstanding the civil penalties in s. 112.317, a
425 lobbyist found by the commission to have violated subsection (2)
426 shall be subject to the following:

427 1. For a first-time violation, a civil penalty not to
428 exceed \$500.

429 2. For a second or subsequent violation committed within
430 twelve months after the commission determines a first-time
431 violation has been committed, a civil penalty not less than \$200
432 and not greater than \$1000 or one year suspension from lobbying
433 any governmental entity associated with the violation. In
434 addition, such governmental entity may impose additional civil
435 penalties not to exceed \$500 per violation and notwithstanding
436 paragraph (c), suspend the lobbyist from lobbying the
437 governmental entity for up to two years.

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438 (c) The civil penalties and suspensions provided in this
439 subsection shall be applied on a per principal basis with
440 suspensions affecting only those principals for whom
441 unregistered lobbying occurred.

442 (8) By January 1, 2018, each governmental entity's
443 governing body, or the governing body's designee, shall notify
444 the commission of any ordinance or rule which imposes additional
445 or more stringent obligations with respect to lobbyist
446 registration, reporting, or other lobbyist conduct, and shall
447 forward to the commission a copy of any associated form that has
448 been designed to facilitate compliance with such ordinance or
449 rule. Beginning January 1, 2019, each governmental entity shall
450 conform its registration system, if any, to accommodate regular
451 digital distribution of registration data from the commission so
452 that initial registration of a lobbyist for all purposes is
453 accomplished under this section without having to supply the
454 lobbyist directory and principal directory information to more
455 than one registration system. The commission shall cooperate to
456 the extent reasonably practicable to assure such coordination of
457 information.

458 (9) The commission may adopt rules to establish procedures
459 to govern the electronic registration of lobbyists, including
460 the adoption of forms, exchange of information with local
461 governmental entities, and the establishment of a lobbyist
462 registration fee.

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463 (10) Any person, when in doubt about the applicability and
464 interpretation of this section to himself or herself in a
465 particular context, may submit in writing the facts of the
466 situation to the commission with a request for an advisory
467 opinion to establish the standard of duty. An advisory opinion
468 shall be rendered by the commission and, until amended or
469 revoked, shall be binding on the conduct of the person who
470 sought the opinion, unless material facts were omitted or
471 misstated in the request.

472 Section 11. As provided in s. 112.322(3), Florida
473 Statutes, the Commission on Ethics shall render advisory
474 opinions to any public officer, candidate for public office, or
475 public employee regarding the application of part III of chapter
476 112, Florida Statutes, including the amendments made by sections
477 1 through 9 of this act.

478 Section 12. The Legislature finds that a proper and
479 legitimate state purpose is served when mechanisms are
480 established to secure and sustain the public's trust in those
481 who hold public office. Therefore, the Legislature determines
482 and declares that this act fulfills an important state interest.

483 Section 13. Except as otherwise expressly provided in this
484 act, this act shall take effect July 1, 2017.
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